



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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(OK)  
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9-5-03

In re Application of: Vetrano, et al

Examiner: J. Jeffery

Serial No.: 10/053,840

Group Art Unit: 3742

Filing Date: October 25, 2001

Docket Number: 61966-025 (SAET-001CP2)

Title: HIGH EFFICIENCY HEATER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 28 2003

TECHNOLOGY CENTER R3700

Dear Sir:

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

3SAE Technologies, Inc., the owner of 100% interest in the instant application and U.S. Patent No. 6,402,856 B1 (formerly US Patent Application 09/977,107), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. 154 to 156 and 173, of U.S. Patent No. 6,402,856 B1, as shortened by any terminal disclaimer filed prior to grant thereof. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,402,856 B1 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,402,856 B1, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

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jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record.

Please charge any fees due under 35 C.F.R. 1.20(d), or any other fees due, to Deposit Account 50-1133.

Respectfully submitted,

Date: July 23, 2003



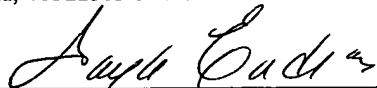
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313 on the date indicated below.

Date: July 23, 2003

By:   
Gayle Endres